

further study of his profession; and prepares himself in court to such an extent, and exhibits such an ability as to call the attention of his fellow citizens to him, as one deserving to be placed upon the judicial bench. And then he is told—although in every other regard you are perfectly competent; although you are a man of eminent talent; although you have distinguished yourself at the bar, and put yourself at the head of your professional brethren; although the people of your district most particularly desire you to assume the judicial functions, and although you have been here five entire years, which is all that is required of citizens from the other States, yet you shall not be placed upon the bench for the reason that you are a naturalized citizen, and five years more are required of you by the terms of our Constitution. Where, sir, is the ground for this distinction? What is the reason of it? Can you not trust to the intelligence of the people? Will you not allow them to discriminate between a mere tatterdemallion and a deep-read and accomplished lawyer, though he may be of foreign birth. Is not five years enough to enable him to acquire a knowledge of the institutions of our State, even if he comes here fresh and green? Unquestionably, sir, I am not, and I never have been, able to discover wherein the distinction exists, unless you mean to draw an invidious line between those who perilled life and everything for you and me, and all of us, who are now enjoying the fruits of their exertions.

Sir, I have pointed out to you on other occasions what was done by him who stands upon now upon my right, represented on that canvass, General Lafayette, for the liberties we enjoy. I have pointed out to you the enumerable services which have been rendered by our foreign population, and by their ancestors. I have shown you that in the days of darkness, difficulties, troubles, and trials, they have been our fastest friends on the field of battle.

I have shown you that in the civil walks of life, they are as accomplished, and more accomplished perhaps, than many of our own fellow-citizens who claim to be infinitely superior to them; and now that we are constructing a new organic law, I say it is as ungrateful, upon our part to draw an invidious distinction between their descendants and ourselves. And unless it can be shown that there is no distinction made between the native born and the naturalized citizen, of course I shall vote for the amendment to change the bill of my friend from Prince George's so as to avoid all distinction.

Now, sir, I concur with my friend from Anne Arundel, (Mr. Dorsey,) and I am glad sometimes to have an opportunity to concur with him—I would infinitely prefer to put upon the judicial bench an Irishman, a German, a Polishman, a Hungarian, any man from any quarter of God's earth, than to place there a man who, though born on our own soil might entertain doctrines which would teach the negro to uplift his arm against the white man's bosom.

You propose to allow a man to come—without enquiry as to his doctrines—from Connecticut, from Massachusetts, or from disgraced Vermont

—disgraced, I mean, by the late proceedings of her legislature, relating to our fugitive slave law, unless she wipes off the foul blemish by an act equally potent; you allow an individual from any one of those States to come here, and to sit in judgment upon the life of your fellow-citizens—a man, too, who might perhaps leave your bench of justice, go out into the community and urge the negro to arm against the white man. Are you to draw a distinction against the man whose ancestors have fought our battles, Irishmen or Germans, some of whom were led by the ancestor of my respected colleague, (turning towards Mr. Howard,) on the plains of Eutaw and Cowpens; and then to admit into your confidence these modern incendiaries who would dedicate your wives and your children to the ruffian rule of negro equality. Such distinctions are not to be tolerated for an instant. If you are to draw distinctions, for God's sake do not discriminate in favor of the abolitionist, and against the Irishman, the German, the Polishman or the Hungarian. The latter would respect your institutions and would aid you in their defence. The former would drive you to civil war, and rend your Union into rags.

Mr. SPENCER. If the discrimination existed in the bill of my friend from Prince George's, which has called forth the eloquent appeal of my friend from Baltimore county, there can be no doubt that he as well as I, would be found in opposition to it. But there is nothing in the section which makes that discrimination.

Mr. BUCHANAN. Very well, my dear sir. Then I vote for the section.

Mr. SPENCER proceeded to show that this bill was in harmony with the Executive bill in this respect. There was no discrimination but that growing out of the nature of things; and no change could be made without discriminating in favor of the foreigner and against the native born.

Mr. DORSEY said:

That the gentleman from Queen Anne's, (Mr. Spencer,) had misapprehended the section, and read the section from the original bill.

Mr. D. then called for the yeas and nays, Which were ordered,
And being taken,

Resulted yeas 7; nays 55; as follows:

Affirmative—Messrs. Morgan, Dorsey, Wells, Buchanan, Bell, Welch and Schley—7.

Negative—Messrs. Ricard, Pres't, *pro. tem.*, Lee, Chambers of Kent, Mitchell, Donaldson, Weems, Dalrymple, Howard, Lloyd, Sherwood, of Talbot, Colston, John Dennis, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Miller, Bowie, Tuck, Sprigg, Spencer, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Stewart of Caroline, Hardcastle, Gwinn, Stewart of Baltimore city, Brent of Baltimore city, Ware, Fiery, Harbine, Kilgour, Brewer, Anderson, Weber, Hollday, Slicer, Fitzpatrick, Smith, Parke and Shower—55.

So the amendment was rejected.